

104TH CONGRESS
1ST SESSION

H. R. 401

Entitled the “Kenai Natives Association Equity Act”.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the
Committee on Resources

A BILL

Entitled the “Kenai Natives Association Equity Act”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kenai Natives Associa-
5 tion Equity Act of 1995”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the United States Fish and Wildlife Service
9 and Kenai Natives Association, Inc. (KNA), have
10 agreed to an exchange and acquisition program pur-
11 suant to Public Law 102–458, of lands and interests

1 in lands in and near the Kenai National Wildlife
2 Refuge (Refuge);

3 (2) this acquisition of and exchange of lands
4 will significantly enhance the ability of the Service to
5 conserve fish and wildlife populations and habitats,
6 fulfill migratory bird treaties, ensure water quality
7 and quantity, provide opportunities for environ-
8 mental research and education, improve access to
9 fish and wildlife oriented recreation, and further en-
10 hance the Refuge management objectives;

11 (3) the amount to be paid for the Swanson
12 River Road West Tract, the sole issue upon which
13 the Service and KNA could not agree, is established
14 by Congress at \$7,500,000; and

15 (4) it is in the public interest to complete this
16 exchange, and to provide for the economic and bene-
17 ficial use of lands conveyed to KNA in fulfillment of
18 the purpose of the Alaska Native Claims Settlement
19 Act of 1971, as amended (43 U.S.C. 1601 et seq.)
20 (Settlement Act).

21 (b) PURPOSE.—The purpose of this Act is to author-
22 ize and direct the Secretary to complete an exchange and
23 acquisition as provided by Public Law 102–458 of lands
24 owned by KNA that will provide for and enhance the man-
25 agement opportunities and objectives of the Refuge, and

1 assist KNA in achieving economic viability and use of its
2 retained lands in furtherance of the Settlement Act.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act, the term—

5 (1) “ANILCA” means the Alaska National In-
6 terest Lands Conservation Act, as amended (16
7 U.S.C. 3101 et seq.);

8 (2) “conservation system unit” has the same
9 meaning as in ANILCA;

10 (3) “KNA” means the Kenai Natives Associa-
11 tion, Inc., an urban corporation incorporated in the
12 State of Alaska pursuant to the terms of the Settle-
13 ment Act;

14 (4) “lands” means both the surface and sub-
15 surface estates or any interest therein whenever both
16 estates are owned by the United States or KNA, as
17 applicable;

18 (5) “property” has the same meaning given
19 such term by section 12(b)(7) of the Settlement Act;

20 (6) “refuge” means the Kenai National Wildlife
21 Refuge;

22 (7) “Secretary” means the Secretary of the
23 Interior;

24 (8) “Service” means the United States Fish
25 and Wildlife Service; and

1 (9) “Settlement Act” means the Alaska Native
2 Claims Settlement Act of 1971, as amended (43
3 U.S.C. 1601 et seq.).

4 **SEC. 4. EXCHANGE AND ACQUISITION OF LANDS.**

5 (a) EXCHANGE OF LANDS; ACQUISITION AND
6 EQUALIZATION PAYMENT.—

7 (1) IN GENERAL.—No later than June 1, 1995,
8 the Secretary shall offer to convey to KNA, in ac-
9 cordance with the provisions of the report to Con-
10 gress issued pursuant to Public Law 102–458 and
11 subject to the provisions of paragraph (3) and valid
12 existing rights, approximately 1,831 acres of land,
13 portions of the Federal subsurface estate underlying
14 the same, and portions of the Federal subsurface es-
15 tate underlying another 3,238 acres, all as identified
16 in subsection (b)(2), in exchange for approximately
17 14,338 acres of KNA land, and the relinquishment
18 by KNA of its unpatented selections and all entitle-
19 ment to selections under the Settlement Act, consist-
20 ing of approximately 1,207 acres, all located within
21 the Refuge and identified in subsection (b)(1). The
22 Secretary shall develop the offer required by this
23 section in consultation with KNA.

24 (2) LIMITATION.—The Secretary may not con-
25 vey any lands or make any payment to KNA under

1 this section unless title to the lands to be conveyed
2 by KNA in exchange for such lands and payments
3 is in accordance with the Department of Justice
4 standards for preparation of title evidence in land
5 acquisitions by the United States.

6 (3) SOURCES OF FUNDS.—The Secretary shall
7 utilize any combination of Land and Water Con-
8 servaion Act of 1965 funds, funds otherwise appro-
9 priated by the Congress, Exxon Valdez Oil Spill set-
10 tlement funds, and lands or other Federal property
11 within the Secretary's jurisdiction as payment to
12 KNA to equalize the values in the exchange.

13 (4) INTEREST.—If a bonafide offer required by
14 this section is not made by June 1, 1995, interest
15 on the value of the property and interests to be con-
16 veyed to KNA shall accrue beginning October 1,
17 1993.

18 (b) EXCHANGE AND ACQUISITION LANDS.—

19 (1) KNA LANDS TO BE ACQUIRED.—The lands
20 or interests to be conveyed by KNA to the United
21 States, all situated within the existing authorized
22 boundary of the Refuge, and identified on the map
23 titled “Kenai Natives Association, Inc. and United
24 States Fish and Wildlife Service Negotiated Ex-
25 change/Acquisition Package,” dated October 1993,

1 on file and available for inspection in the Office of
2 the Secretary, generally include, subject to reserva-
3 tions of existing road easements—

4 (A) approximately 803 acres located along
5 the Kenai River, known as the Stephanka
6 Tract;

7 (B) approximately 1,243 acres located
8 along the Moose River, known as the Moose
9 River Patented Lands Tract;

10 (C) approximately 2,120 acres located
11 along Marathon Road, known as the Beaver
12 Creek Tract;

13 (D) approximately 10,172 acres located
14 along the Swanson River Road and the Sunken
15 Island Lake Road, known as the Swanson River
16 Road West Tract;

17 (E) all of the remaining KNA selections
18 under the Settlement Act, consisting of approxi-
19 mately 1,207 acres, are hereby relinquished and
20 all remaining entitlement of KNA is hereby ex-
21 tinguished; and

22 (F) an easement for access to and use of
23 less than one acre of land, located in the NE¹/₄
24 NE¹/₄ of section 24, T.6N., R.9W., Seward Me-
25 ridian, within the Swanson River Road East

1 Tract, for so long as the site is used by the
2 Service as a radio communications repeater site.

3 (2) LANDS TO BE EXCHANGED.—The lands or
4 interests to be conveyed by the United States to
5 KNA, and identified (except for the parcel identified
6 in subparagraph (A)) on the map titled “Kenai Na-
7 tives Association, Inc. and United States Fish and
8 Wildlife Service Negotiated Exchange/Acquisition
9 package,” dated October 1993, on file and available
10 for inspection in the Office of the Secretary, gen-
11 erally include, subject to reservations of existing
12 road easements—

13 (A) approximately five acres, located with-
14 in the city of Kenai, Alaska, identified as Unit-
15 ed States Survey 1435, and known as the old
16 Fish and Wildlife Service Headquarters site;

17 (B) approximately 1,826 acres located
18 along the Swanson River Road, known as the
19 Swanson River Road East Tract; and

20 (C) the subsurface estate (less oil, coal,
21 and gas) to approximately 5,064 acres, includ-
22 ing approximately 1,826 acres underlying the
23 Swanson River Road East Tract and approxi-
24 mately 3,238 adjacent acres underlying lands

1 previously patented to KNA which are located
2 east of the Swanson River Road.

3 (3) ACQUISITION AUTHORITY.—The lands iden-
4 tified for acquisition by the United States, specifi-
5 cally identified on the maps referenced in subsection
6 (c) as the Stephanka Tract, the Beaver Creek Tract,
7 and the Moose River Patented Lands Tract, collec-
8 tively referred to as the “Kenai River Project”, may
9 be acquired by the United States pursuant to the
10 Land and Water Conservation Fund Act of 1965.

11 (4) NATIONAL REGISTER OF HISTORIC
12 PLACES.—Upon completion of the exchange author-
13 ized in subsection (a), the Secretary shall promptly
14 undertake to nominate the Stephanka Tract to the
15 National Register of Historic Places, in recognition
16 of the archeological artifacts from the original
17 Kenaitze Indian settlement.

18 (5) VALUATIONS.—This exchange and acquisi-
19 tion shall be accomplished utilizing the valuations es-
20 tablished in the report to Congress issued pursuant
21 to Public Law 102–458, with the exception of the
22 Swanson River Road West Tract which value is es-
23 tablished at \$7,500,000.

24 (c) GENERAL PROVISIONS.—

1 (1) REMOVAL OF RESTRICTIONS.—(A) Those
2 lands retained by KNA, and those parcels within the
3 Refuge, including designated wilderness, conveyed to
4 KNA pursuant to the terms of this Act, shall be re-
5 moved in their entirety from inclusion within the
6 boundaries of the Refuge by operation of this Act.
7 Such removal from the boundaries of the Refuge
8 shall terminate any application of Federal manage-
9 ment and patent restrictions applicable to lands
10 within the Refuge for which conveyance was made
11 pursuant to the terms of the Settlement Act or any
12 other law or regulation applicable solely to Federal
13 lands.

14 (B) The Secretary shall execute and file such
15 instruments as are necessary to convey lands and re-
16 move the restrictions referred to in this section at
17 the time of the conveyances provided in subsection
18 (a)(1).

19 (C) Any lands KNA shall receive from the Unit-
20 ed States pursuant to this Act shall be deemed to
21 have been conveyed pursuant to the Settlement Act.

22 (2) MAPS AND LEGAL DESCRIPTIONS.—The
23 maps described in this section and a legal descrip-
24 tion of the lands depicted on the maps shall be on
25 file and available for public inspection in the appro-

1 priate offices of the United States Department of
2 the Interior. Not later than 120 days after the day
3 of enactment of this Act, the Secretary shall prepare
4 a legal description of the lands depicted on the maps
5 referred to in this section. Such maps and legal de-
6 scriptions shall have the same force and effect as if
7 included in this Act, except that the Secretary may
8 correct clerical and typographical errors.

9 (3) ACCEPTANCE.—KNA may accept the offer
10 made pursuant to subsection (a) by notifying the
11 Secretary in writing of its decision within 120 days
12 of receipt of the offer. In the event the offer is re-
13 jected, the Secretary shall submit a report to Con-
14 gress describing the reasons why agreement was not
15 reached.

16 (4) FINAL MAPS.—Not later than 120 days
17 after the conclusion of the exchange authorized by
18 subsection (a), the Secretary shall transmit a final
19 report and maps accurately depicting the lands
20 transferred and conveyed pursuant to this Act and
21 the acreage and legal descriptions of such lands to
22 the Committee on Resources of the House of Rep-
23 resentatives and the Committee on Energy and Nat-
24 ural Resources and the Committee on Environment
25 and Public Works of the Senate.

1 **SEC. 5. ADJUSTMENTS TO NATIONAL WILDLIFE REFUGE**
2 **SYSTEM.**

3 (a) ADDITION TO THE KENAI NATIONAL WILDLIFE
4 REFUGE.—The Secretary shall add the lands conveyed to
5 the United States pursuant to subsection (a)(1) to the
6 Refuge. The Secretary shall manage such lands in accord-
7 ance with the provisions of the National Wildlife Refuge
8 System Administration Act of 1966 (16 U.S.C. 668dd–
9 668ee) and ANILCA.

10 (b) KENAI NATIONAL WILDLIFE REFUGE BOUND-
11 ARY ADJUSTMENT.—The boundaries of the Refuge as set
12 forth in section 303(4)(A) of ANILCA are hereby adjusted
13 to include those lands generally depicted on the map de-
14 scribed in section 4(c)(4) entitled “Proposed Boundary
15 Extension”, dated October 1993.

16 (c) ADDITION TO WILDERNESS AREA.—Upon acqui-
17 sition of lands by the United States pursuant to section
18 4(a)(1), that portion of the Stephanka Tract lying south
19 and west of the Kenai River, consisting of approximately
20 592 acres and as generally depicted as “To be included
21 in wilderness” on the map referenced in section 4(b)(1),
22 shall be included in and managed as part of the Kenai
23 Wilderness. Upon their inclusion into the Kenai Wilder-
24 ness, such lands shall be managed in accordance with the
25 applicable provisions of the Wilderness Act and ANILCA.

1 (d) REMOVAL OF CONVEYED LANDS FROM WILDER-
2 NESS AREA.—Upon conveyance to KNA of those lands
3 under section 4(b)(2), a portion of which is currently des-
4 ignated wilderness, consisting of approximately 623.5
5 acres and identified as “To be removed from wilderness”
6 on the map referenced in section 4(b)(2), such lands are
7 removed from the Kenai Wilderness and the National Wil-
8 derness Preservation System.

9 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out the purposes of this Act.

12 **SEC. 7. LIMITATION ON APPLICATION OF REQUIREMENT**
13 **FOR ACQUISITIONS BY UNITED STATES**
14 **UNDER MIGRATORY BIRD CONSERVATION**
15 **ACT.**

16 Section 7 of the Migratory Bird Conservation Act (16
17 U.S.C. 715f) is amended by inserting “in fee” after “con-
18 veyance”.

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